

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Javier Cesario and  
Fernando Martinez

SUMMONS IN A CIVIL ACTION

V.

BNI Construction, Inc.,  
Mikial Abdur-Rahim and  
Musa Last Name Unknown

CASE NUMBER:

**07 CIV 8545**

**JUDGE STANTON**

TO: (Name and address of Defendant)

Musa Last Name Unknown  
c/o BNI Construction, Inc.  
300 West 147th Street, Suite 1C  
New York, New York 10039

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Kerin E. Coughlin, Esq.  
Constantine Cannon LLP  
450 Lexington Avenue, 17th Fl.  
New York, New York 10017

Elena Goldstein, Esq.  
New York Legal Assistance Group  
450 West 33rd Street, 11th Fl.  
New York, New York 10001

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

10/2/2007

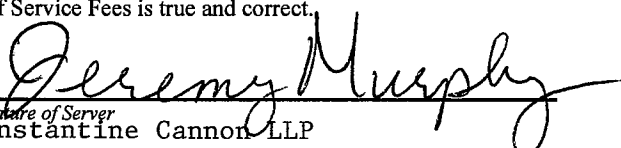
CLERK

DATE

*Narciso Quintero*

(By) DEPUTY CLERK

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<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE 12/28/2007	
NAME OF SERVER ( <i>PRINT</i> ) Jeremy Murphy	TITLE Paralegal	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the defendant. Place where served:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Returned unexecuted:</div> <div><input checked="" type="checkbox"/> Other (specify): Affixed an envelope containing copies of the Summons and complaint to the door of the defendant's place of business, and mailed a second envelope also containing copies of the Summons and complaint by first class mail to the defendant at his place of business, as set forth in the attached Affidavit of Service and pursuant to N.Y.C.P.L.R. Sec. 308(4).</div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL \$4.00	SERVICES	TOTAL \$4.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 30%;"> <p>Executed on 12/31/2007</p> <p style="text-align: center;">Date</p> </div> <div style="width: 60%;"> <p style="text-align: center;"></p> <p style="text-align: center;"><i>Signature of Server</i> Constantine Cannon LLP 450 Lexington Avenue, Fl. 17 New York, NY 10017</p> <p style="text-align: center;"><i>Address of Server</i></p> </div> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.